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March 10, 2022

VIA ECF & EMAIL

The Honorable Kiyo A. Matsumoto  
United States District Judge  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, New York 11201

**Re: United States v. Tyshawn Corbett, et al., No. 20-cr-213 (KAM)**

Dear Judge Matsumoto:

We represent defendant Qawon Allen and write jointly on behalf of all of the defendants and with consent of the government to request that the Court's motions schedule be extended. Trial in this case is scheduled for August 1, 2022, and the motions in limine are currently due March 18, 2022. *See* ECF No. 171. For the reasons set forth below, we request that the parties' motions in limine be filed on or before April 29, 2022; the responses be filed on or before May 20, 2022; and the replies be filed on or before May 27, 2022.

We make this request because the government recently disclosed a substantial amount of new discovery to the defendants relating to contraband cell phones that Mr. Allen is accused of possessing in the MDC-Brooklyn. This new discovery includes: (1) three cell phones discovered in the MDC that the government alleges Mr. Allen possessed; (2) Federal Bureau of Prisons documents concerning the seizure of these phones; (3) Facebook and Google accounts that purportedly belong to Mr. Allen, which the government alleges he accessed from the MDC using the contraband cell phones; (4) search warrants for the seized cell phones and social media and email accounts; and (5) subpoenaed subscriber and IP-address data for the phones and social media and email accounts. This discovery has been produced on an ongoing basis since February 15, 2022.

The government has also informed the defendants that there is even more discovery forthcoming relating to the contraband phones allegedly possessed by Mr. Allen. Specifically, we expect to receive an additional cell phone discovered in the MDC that Mr. Allen is accused of having used, as well as a copy of his purported Instagram account, which he allegedly accessed using one or more of the phones. It is anticipated that these materials will be produced in the coming weeks.

This new discovery is voluminous. Indeed, the cell phones were so large that the defendants could only obtain a copy of them by supplying the government an external hard drive. Further, this new discovery is potentially highly prejudicial to Mr. Allen and his codefendants. It

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purportedly contains conversations between Mr. Allen and at least one other codefendant about the case, as well as discussions about the codefendants' relationships to each other, the charged crimes, Mr. Allen's legal strategy and discussions with his attorneys, and statements about the government's evidence, including suspected cooperating witnesses. Defense counsel will need to review this large amount of supplemental discovery carefully. Likely, counsel will seek to challenge the admissibility of statements and materials contained within it.

The parties' proposed briefing schedule gives the defendants an additional six weeks to accomplish that. This time will not just permit defense counsel time to review this substantial amount of new discovery, discuss it with their clients (who are all detained), and prepare their motions, but also to meet and confer with the government and winnow, or at least clarify, the issues in dispute. Additionally, our proposed schedule will leave more than two months before trial for resolution of the parties' pretrial motions, including, if necessary, oral argument.

We have discussed this extension request with counsel for the remaining codefendants, who join in it, and with counsel for the government, who consent to it. Mr. Allen consents to the exclusion of time pursuant to the Speedy Trial Act from now until April 29, 2022.

Respectfully submitted,

/s/

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cc: all counsel of record (via ECF)